

### **Remarks**

Claims 40-47, 50-54, 62 and 131-134 were considered in the Office Action mailed on June 7, 2004. Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101; claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph; and claims 50-54 and 131-134 were rejected under 35 U.S.C. §102(b). Claim 62 was objected to as being dependent upon a rejected claim. Claims 40-47 were stated to be allowable.

Applicants thank the Examiner for the helpful discussion of August 17, 2004, during which Applicants' attorney, Jennifer Moitoso, and the Examiner discussed the nature of the current rejections and amendments to overcome them. Based upon this discussion with the Examiner, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell. The rejections and amendments are discussed in more detail below. Support for the amendments can be found throughout the specification, including, for example, at page 5, lines 13-15, and page 30, lines 7-10. No new matter has been added by these amendments.

### **Rejections under 35 U.S.C. §101**

Claims 50-54 and 131-134 were rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Specifically, those claims were said to read on a product of nature because the claims do not require that the descendent cells retain the vector. As discussed with Examiner on August 17th, Applicants have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and submit that the amendment obviates the rejections. Claims 51-54 and 134 depend from claim 50, and claims 132-133 depend from claim 131. As such, Applicants respectfully submit that the rejections to claims 51-54 and 131-134 have also been obviated and request reconsideration and withdrawal thereof.

### **Rejections under 35 U.S.C. § 112, first paragraph**

Claims 50, 52, 131 and 132 were rejected under 35 U.S.C. §112, first paragraph, for allegedly not being enabled by the specification. As discussed with the Examiner, Applicants

have amended claims 50 and 131 to clarify that the descendent cells comprise the vector, and have amended claims 52 and 132 to clarify that the host cell is a mammalian host cell. Applicants submit that amended claims 50, 52, 131 and 132 are fully enabled by the specification. Accordingly, Applicants respectfully submit that claims 50, 52, 131 and 132 are in condition for allowance and request reconsideration and withdrawal of the current rejections.

**Rejections under 35 U.S.C. §102(b)**

Claims 50-54 and 131-134 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,959,313 to Taketo ("Taketo"). Specifically, the Office Action states that because the claims do not require that the descendent cells retain the vector, the claims are anticipated by Taketo. As discussed with the Examiner on August 17<sup>th</sup>, and as described above, claims 50 and 131 have been amended to clarify that the descendent cells, as well as the host cells, comprise the vector. Applicants respectfully submit that this amendment obviates the rejections to claims 50 and 131, as well as to claims 51-54 and 132-134, which depend therefrom.

**Claim Objection**

Claim 62 was objected to as being dependent upon a rejected base claim. Claim 62 depends from any of claims 51-54. Applicants submit that upon entry of this paper, claims 51-54 will be in condition for allowance. Accordingly, Applicants respectfully request that the objection to claim 62 be withdrawn and submit that claim 62 is in condition for allowance.

**Supplemental Information Disclosure Statement**

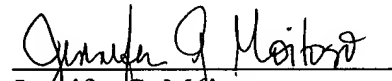
Applicants enclose herewith a copy of the Supplemental Information Disclosure Statement and accompanying Form PTO-1449 that were filed on March 10, 2004. A copy of the Form PTO-1449 was returned to Applicants with the mailing of the current Office Action, however, Applicants note that, although it appears the Examiner has considered the cited references, the Examiner's initials do not appear next to reference numbers A1-A2 and B2. Accordingly, Applicants request confirmation that the Examiner has considered these references and ask that they receive a copy of the Form PTO-1449 indicating such. Copies of the references

were provided with the initial submission, however additional copies can be provided upon request.

**Conclusion**

Applicants respectfully submit that the application is in condition for allowance and request early and favorable action. Prior to issuing another Office Action, Applicants' attorney respectfully requests that the Examiner call the undersigned at the telephone number below in order to expedite allowance of this application.

Respectfully submitted,

  
Jennifer G. Moitoso  
Attorney for Applicants  
Reg. No. 51,752

Date: September 3, 2004

Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Tel.: 617-310-8423

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MIT-103 (5473/111)

Transmittal Form (1 page); Fee Transmittal (1 page); Information Disclosure Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.

Name of Applicant: Kawasaki, *et al.*

Serial Number: 09/422,999

Atty: Jennifer G. Moitoso, Reg. 51,752

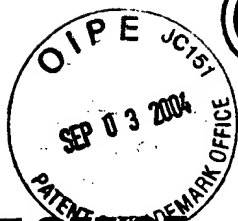
Date: March 10, 2004



Name of Applicant: Kawasaki, *et al.*  
Serial Number: 09/422,999  
Atty: Jennifer G. Moitoso, Reg. 51,752  
Date: March 10, 2004

Transmittal Form (1 page); Fee Transmittal (1 page); Information Disclosure Statement (2 pgs.); Form PTO-1449 (1 pg.); copies of references A1-A2; B2 and C33-C37; Check in the amount of \$180.00; Associate Power of Attorney all under Express Mail Mailing Label No.: EL653442806US, dated March 10, 2004.

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Boston, MA 02110USSN 09/422,999  
Fleet Bank, N.A.  
Boston, Massachusetts 02110

Atty. Docket No. MIT-103

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5-39/110

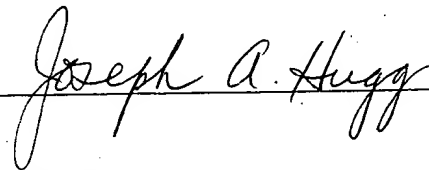
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March 10, 2004

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Testa, Hurwitz &amp; Thibault, LLP



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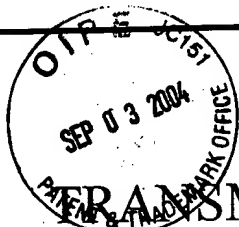
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## TRANSMITTAL FORM

Application Serial Number	09/422,999
Filing Date	October 22, 1999
First Named Inventor	Kawasaki
Group Art Unit	1646
Examiner Name	Murphy, J.
Attorney Docket No.	MIT-103
Patent No.	Not applicable
Issue Date	Not applicable

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]  <input type="checkbox"/> Petition for Extension of Time  <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input checked="" type="checkbox"/> Return Receipt Postcard  <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8  <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Associate Power of Attorney
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### CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

### SIGNATURE BLOCK

Respectfully submitted,  
  
 Date: March 10, 2004  
 Reg. No. 51,752  
 Tel. No.: (617) 248-8423  
 Fax No.: (617) 248-7100  
 Jennifer G. Moitoso  
 Attorney for Applicants  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110

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## FEE TRANSMITTAL

SEP 03 2004

FY 2004

Complete if Known

Application Serial Number	09/422,999
Filing Date	October 22, 1999
First Named Inventor	Kawasaki
Group Art Unit	1646
Examiner Name	Murphy, J.
Attorney Docket No.	MIT-103

## METHOD OF PAYMENT

1. ☒ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

## FEE CALCULATION

## 1. FILING FEE

Large Entity Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

## 2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 86.00 =

☐ First Presentation of Multiple Dep. + \$290.00 =

Claim

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 180.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 180.00

TOTAL (\$) 180.00

## CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

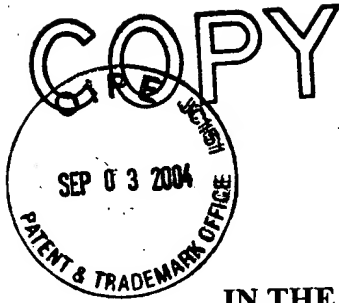
## SIGNATURE BLOCK

Date: March 10, 2004  
 Reg. No.: 51,752  
 Tel. No.: (617) 310-8423  
 Fax No.: (617) 248-7100

Respectfully submitted,

*Jennifer G. Matoso*  
 Jennifer G. Matoso  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110





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PATENT  
Attorney Docket No. MIT-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Kawasaki, et al.  
SERIAL NO.: 09/422,999 GROUP NO.: 1646  
FILING DATE: October 22, 1999 EXAMINER: Murphy, J.  
TITLE: GENES INTEGRATING SIGNAL TRANSDUCTION PATHWAYS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, OR
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

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- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

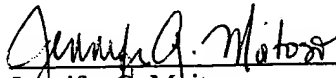
It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

**STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that:

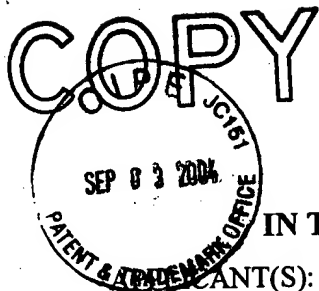
- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

  
Jennifer G. Moitoso  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

Date: March 10, 2004  
Reg. No.: 51,752

Tel. No.: (617) 310-8423  
Fax No.: (617) 248-7100



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PATENT  
Attorney Docket No. MIT-103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Kawasaki et al.  
SERIAL NO.: 09/422,999      GROUP NO.: 1646  
FILED: October 22, 1999      EXAMINER: Murphy, J.  
TITLE: Genes Integrating Signal Transduction Pathways

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

An associate power of attorney is hereby granted to:

NAME	REG. NO.
Jennifer G. Moitoso	51,752

in connection with the above-identified patent application.

Please continue to direct all correspondence relating to the above application to:

Patent Administrator  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Date: March 10, 2004  
Reg. No. 39,061

Tel. No.: (617) 248-7368  
Fax No.: (617) 248-7100


Respectfully submitted,

Christine C. Vito  
Attorney for Applicant(s)  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

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Page 1 of 1

FORM PTO - 1449				ATTORNEY DOCKET NO.: MIT-103 APPLICANT(S): Kawasaki et al. SERIAL NO.: 09/422,999 FILING DATE: 10/22/99      GROUP NO.: 1646					
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT									
									
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	A1	4,618,598	10-21-86	Conn			04-12-82		
	A2	5,874,464	02-23-99	Marquez <i>et al.</i>			06-13-95		
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B2	WO 91/15515	10-17-91	PCT			04-05-91		Y
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C33	Bos, J., (1998) "All in the family? New insights and questions regarding interconnectivity of Ras, Rap1 and Ral" <u>The EMBO Journal</u> , Vol. 17; No. 23, pp. 6776-6782.							
	C34	Coller <i>et al.</i> , (1995) "New Antiplatelet Agents: Platelet GPIIb/IIIa Antagonists" <u>Thrombosis and Haemostasis</u> , Vol. 74 (1), pp. 302-308.							
	C35	Newman <i>et al.</i> , (January 1985) "Quantitation of Membrane Glycoprotein IIIa on Intact Human Platelets Using the Monoclonal Antibody, AP-3" <u>Blood</u> , Vol. 65; No. 1, pp. 227-232.							
	C36	De Bruyn, (October, 1974) "Rap1 and Ral in signal transduction; The Ras family: molecular switches in signaling cascades," <u>Ras-like small GTPases in platelet biology</u> , University Medical Centre of Utrecht, The Netherlands, Chapter 1; General Introduction							
	C37	Zacharaski <i>et al.</i> , (1990) "Chronic Calcium Antagonist Use in Carcinoma of the Lung and Colon: A Retrospective Cohort Observational Study" <u>Cancer Investigation</u> , Vol. 8 (5), pp. 451-458.							
EXAMINER					DATE CONSIDERED				

3036170